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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,962	04/16/2004	Hiroyuki Seki	FUJH 21.111	2212

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EXAMINER	
TRINH, TAN H	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/826,962	SEKI ET AL.	
	Examiner	Art Unit	
	TAN TRINH	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7-15,17 and 18* is/are allowed.

6)☒ Claim(s) *1-6 and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 04-16-2004, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mohebbi (U.S. Patent. No. 2002005810).

Regarding claims 1 and 16, Mohebbi teaches a mobile station having radio channels being set between the mobile station and a plurality of base stations (see fig. 1), and performing communication with the plurality of base stations in a communication condition such that one base station selected among the plurality of base stations transmits a user data signal which transmission power is controlled (see fig. 1, abstract lines 1-11 and page 1, section [0006]), and that the plurality of base stations including the selected base station transmit signals including a control data signal which transmission power is controlled in a similar way as the user data signal (see figs. 1-2, page 1, sections [0006-0007]) and , the mobile station (see fig. 1 and 5, MS 10 or 40) comprising: a measurement section measuring (see fig. 1, page 2, section [0018]), on a

basis of each base station (see page 2, sections [0018-0019]), quality of the control data signal transmitted with the transmission power controlled (see page 2, sections [0018-0020] and page 3-4, section [0044-0049]); a selector selecting the base station transmitting the user data signal (see page 3, sections [0028-0029]), based on the quality of the control data signal from each base station measured in the measurement section (see page 3, section [0029]); and a transmitter transmitting identification information for identifying the base station selected by the selector to the plurality of base stations (see page 3 section [0028-0029]).

Regarding claim 3, Mohebbi teaches wherein the measurement section measures the signal quality with a signal-to-interference power ratio (see page 3, section [0026]).

Regarding claim 4, Mohebbi teaches wherein the measurement section measures the signal quality with a reception power (see page 4, sections [0047-0048]).

Regarding claim 5, Mohebbi teaches further comprising: a generator generating power control information indicating how the transmission power of the plurality of base stations is to be controlled (see fig. 9), based on the quality of the base station selected by the selector among the quality sets measured by the measurement section, wherein the transmitter stores the identification information and the power control information generated by the generator into each time slot in a frame having a plurality of time slots, and transmits the identification information and the power control information to the plurality of base stations (see fig. 8-10. page 2, sections [0018-0020], page 3, sections [0026-0029] and page 7-8, sections [0103-0114]).

Regarding claim 6, Mohebbi teaches wherein the plurality of base stations communicate with the mobile station using W-CDMA, and the user data signal is a dedicated physical data channel signal, and the measurement section measures the quality of a dedicated physical channel control signal (see fig. 5, page 4, section [0044-0048]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohebbi (U.S. Patent. No. 2002005810) in view of Hashem (U.S. Pub. 20050130688).

Regarding claim 2, Mohebbi teaches (see figs. 5-6), further comprising: a generator having preset target quality (see fig. 6, page 4, sections [0047-0048]), and comparing the target quality with the quality of the base station selected by the selector among the quality sets measured by the measurement section (see page 7-8, sections [0103-0113]), Mohebbi teaches the instructing to increase/decrease the transmission power on at the mobile station (see page 5, sections [0070-0076]). But Mohebbi fails to teach generating power control information instructing to decrease the transmission power in case of the latter having better quality than the former, and instructing to increase the transmission power in case of the former having better

quality than the latter. However, Such teaching is taught by Hashem (see fig. 1 and 3, page 1, section [0004] and page 3, section [0044-0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Mohebbi and by the providing of the teaching of Hashem on the adjusting the base station power in order to provide more optimum base station power transmission level, reduction in system noise and increase in system capacity (see page 3, section [0047]).

Allowable Subject Matter

6. Claims 7-15 and 17-18 are allowed.

Reasons for allowance

7. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 7 and 13, the reference of Mohebbi, Hashem and the prior art of record fail to disclose, the base station having radio channels being set between the base station and a mobile station, transmitting a user data signal which transmission power is controlled to the mobile station **only** when the base station of interest is selected by the mobile station, and transmitting, to the mobile station, signals including a control data signal which transmission power is controlled in a similar way as the user data signal, irrespective of whether or not the mobile station of interest is selected, said base station comprising: a receiver receiving identification information transmitted from the mobile station, representing the base station which is selected by the mobile station based on the quality of the control data signal transmitted with the transmission power controlled; and a transmitter transmitting the user data signal to the

mobile station **only when** the identification information represents the base station of interest, as cited in claim 7 and 13.

Regarding independent claims 14-15 and 17-18 the reference of Mohebbi, Hashem and the prior art of record fail to disclose, the communication method for a base station among a plurality of base stations, with radio channels being set between the plurality of base stations and a mobile station, performed in a communication condition such that a user data signal which transmission power is controlled is transmitted to the mobile station from one base station selected among the plurality of base stations, and that control data signals, which transmission power is controlled in a similar way as the user data signal, are transmitted to the mobile station from the plurality of base stations including the selected base station, said communication method comprising: receiving identification information, transmitted from the mobile station, representing the base station which is selected by the mobile station based on the quality of each control data signal with the transmission power controlled; and when the identification information represents the base station of interest, transmitting the user data signal with the transmission power controlled, and also transmitting the control data signal with the transmission power controlled, whereas when the identification information **does not** represent the base station of interest, transmitting the control data signal with the transmission power controlled, **without** transmitting the user data, as cited in claims 14-15 and 17-18.

Conclusion

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314).***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
May 22, 2006

Anderson, Matthew D. (SPE 2618)

Matthew D. Anderson
Supervisory Patent Examiner